

## **REMARKS**

Claims 49, 52, 63-71 and 73-85 are now pending.

Claims 49, 52, 63, 65-66, 69-71, 73, 75-76, 79, 81, and 83 have been amended.

Claims 84 and 85 are new.

All amendments are fully supported by the original disclosure. In particular, support for the limitation of "indicating rendering of stored audio data of an audio data file being stored" may be found e.g. on line 15 of page 15 of the specification. Accordingly, no new matter has been added.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 49, 52 and 62-83 were rejected as being unpatentable over Shinada (US 5,436,875) in view of Inokuchi (US 5,414,488). In response, Applicant has amended claims 49, 52 and 81.

In particular, amended claim 49 now recites a method comprising:  
indicating rendering of stored audio data of an audio data file being stored onto a storage medium;  
receiving from an optical disk reader device, first audio data streamed from a first audio file stored in an optical disk being processed by the optical disk reader device;  
incrementally storing the first audio data onto a first storage medium starting at a first location corresponding to a beginning of the first audio data file, the first storage medium being separate and distinct from the optical disk as well as the optical disk reader device; and  
if rendering of stored audio data of an audio data file being stored onto a storage medium is indicated, incrementally rendering at least some of the stored first audio data from the first storage medium, prior to completion of the storing of all the first audio data onto the first storage medium (underline added).

Accordingly, claim 49 now clearly requires among other things, the limitations of *indicating rendering of stored audio data of an audio data file being stored onto a storage medium; and*

*if rendering of stored audio data of an audio data file being stored onto a storage medium is indicated, incrementally rendering at least some of the stored first audio data from the first storage medium, prior to completion of the storing of all the first audio data onto the first storage medium.*

Thus, even if the Examiner is correct that one of ordinary skill in the art, in view of Inokuchi, will be motivated to substitute the mic of Shinada with the CD Drive of Inokuchi, among other things, the combination nonetheless fails to teach or suggest the required operation of *indicating rendering of stored audio data of an audio data file being stored onto a storage medium; and* the prior to recording completion rendering is to be conditionally performed, only if rendering of stored audio data of an audio data file being stored onto a storage medium is indicated.

Shinada, at col. 11, lines 13-16, unequivocally teaches prior to recording completion playback after a fixed time. Specifically, it states at the subject passage that “even when the reproducing function starts still in a state of recording after about thirty minutes has been elapsed since the recording ...” The deficiency is not remedied by Inokuchi.

Therefore, for at least this reason, claim 49 is patentable over Shinada and Inokuchi combined.

Claims 52 and 81 contain in substance the same limitation as claim 49. Thus, for at least the same reasons, claims 52 and 81 are patentable over Shinada and Inokuchi combined.

Claims 63-71, 73-80 and 82-85 depend on either claim 49, 52 or 81, incorporating their limitations, respectively. Therefore, for at least the same reason, claims 63-71, 73-80 and 82-85 are patentable over Shinada and Inokuchi combined.

## **CONCLUSION**

In light of the above amendments and remarks, claims 49, 52, and 63-71 and 73-85 are now in condition for allowance. Early issuance of Notice of Allowance is respectfully requested. The Examiner is encouraged to telephone the undersigned if there are any remaining questions of patentability, and a telephone interview would be helpful in resolving these questions.

Please charge any shortages and credit any overages of fees to Deposit Account No. 500393.

Respectfully submitted,  
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Dated: \_\_\_\_\_

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